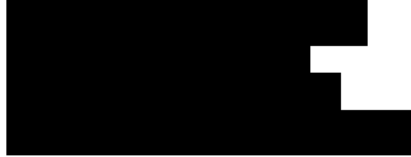


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:



MAHS Reg. No.: 15-014499
Issue No.: 2001
Agency Case No.: [REDACTED]
Hearing Date: October 08, 2015
County: GRAND TRAVERSE

ADMINISTRATIVE LAW JUDGE: Gary Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 8, 2015, from Lansing, Michigan. Participants on behalf of Claimant included her sister and Conservator/Guardian [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Eligibility Specialist [REDACTED] and Assistance Payments Supervisor [REDACTED].

ISSUE

Did the Department properly determine Claimant's ongoing Medical Assistance (MA) eligibility on July 20, 2015?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing recipient of Medicare, Medicaid and Medicare Savings Program benefits.
2. On July 20, 2015, Claimant was sent a Health Care Coverage Determination Notice (DHHS-1606) showing she was eligible for Medicaid as a \$ [REDACTED] monthly patient pay amount and full coverage Medicare Savings Program benefits.
3. On July 30, 2015, [REDACTED] submitted a hearing request.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

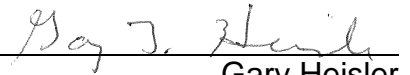
The concern raised by [REDACTED] is the treatment of Claimant's payments from the Grand Traverse Band of Ottawa and Chippewa Indians. Claimant receives a direct per capita payment in her name and a payment as one of the heirs of the estate of [REDACTED], Bridges Eligibility Manual (BEM) 503 Income. Unearned was reviewed during this hearing. At page 4, BEM 503 directs that all payments made to American Indians from gaming revenues are counted as unearned income. Exhibit I, at page 41 provides Federal Laws which exclude some payments to Native Americans. Review of the exclusions shows there are none for the Grand Traverse Band of Ottawa and Chippewa Indians. The review did answer questions that [REDACTED] had about the status of other groups she was familiar with.

The calculation and variability of the payments made every six months was also discussed. [REDACTED] was made aware that she would need to report the changes in amount every six months. The variability of the payments also dictates that the ruling of this hearing should not address the actual dollar values but be confined to the issue of whether Claimant's American Indian payments be included in the financial eligibility budget.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined Claimant's ongoing Medical Assistance (MA) eligibility on July 20, 2015.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/21/2015**

Date Mailed: **10/21/2015**

GFS / ■

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

